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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Preparation for International)
Telecommunication Union World)
Radiocommunication Conferences)

IC Docket No. 94-31

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PETITION FOR CLARIFICATION OF PRONET, INC.

ProNet, Inc. ("ProNet"), by its attorneys, herewith requests clarification of the *Report* recently issued in the above-captioned docket.¹ In the *Report*, apparently in response to comments filed by ProNet in this docket, the Commission indicated that should the 216-216.5 MHz band be allocated, as recently proposed, for Low Power Radio Services ("LPRS"), including Law Enforcement Tracking Systems ("LETS"), that such operations can be protected from interference caused by Mobile Satellite Service ("MSS") use of the 216-216.5 MHz band for feeder downlinks. ProNet seeks clarification from the Commission that such protections would, at a minimum, confer co-primary status on LPRS and LETS operations.

In 1991, after more than a decade of successful experimental testing of its electronic tracking system, ProNet filed a petition for rulemaking seeking allocation of spectrum for law enforcement tracking systems. Finally, on May 16, 1995, the Commission issued a Notice of Proposed Rulemaking proposing allocation of the 216-217 MHz band for LPRS, including two

¹ Preparation for International Telecommunication Union Radiocommunication Conferences, IC Docket No. 94-31, FCC 95-256 (June 15, 1995) ["Report"].

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channels dedicated for LETS operations at 214.9875 MHz and 214.9625 MHz.² However, at the same time, the Commission began considering an international position for WRC 95 that would propose to allow MSS systems to operate feeder downlinks in the 216-216.5 MHz band. Due to the overlapping nature of these proposals and the failure of any MSS interests to provide any analysis indicating that sharing between MSS feeder downlinks and LETS was possible, ProNet filed comments in this docket to clarify the respective rights and obligations of LETS and MSS users.³ As it noted in its comments, ProNet believes there are significant benefits to be gained from MSS and it has no conceptual objections to MSS allocations in general; however, ProNet was concerned about MSS users' ability to share with low power uses in the 216-217 MHz band.

In its *Report*, the Commission stated that "[w]e are confident . . . that MSS power flux density limits can be devised to protect low-power, localized devices."⁴ The Commission further indicated that "[i]f . . . protection is necessary, appropriate restrictions will be imposed in the course of the domestic allocation process which would be required to implement any international allocation, and therefore need not be resolved at this time."⁵ The Commission concluded by assuring LPRS users that the "domestic proceeding would ensure that MSS systems could share in these bands without causing harmful interference to other

² Low Power Radio and Automated Maritime Telecommunications System Operations in the 216-0217 MHz Band, RM-7784, FCC 95-174 (May 16, 1995).

³ Letter from Danny E. Adams, Counsel to ProNet, Inc., to Reed E. Hundt, Chairman, Federal Communications Commission (June 7, 1995).

⁴ *Report* at ¶20.

⁵ *Id.*

domestically allocated services.”⁶

As discussed in the comments of ProNet that will be filed tomorrow on the domestic allocation for LPRS, LETS operations are highly susceptible to detrimental interference. By this filing, ProNet seeks assurances from the Commission that its prior statements mean, at a minimum, that LPRS operations would have co-primary status with MSS users. In other words, that any systems deployed by ProNet would be entitled to full interference protection from any subsequently-deployed MSS feeder downlinks.

ProNet strongly believes that an allocation for LETS is in the public interest. These systems have a tangible, and immediate, impact on law enforcement agencies’ ability to intercept, apprehend, and convict dangerous felons. As discussed in its soon-to-be-filed comments, even minimal changes to the noise floor in areas where LETS is deployed can


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Id.

detrimentally affect LETS sensitivity and/or render the system inoperable. Accordingly, ProNet seeks more specific clarification from the Commission, and from MSS users, on the extent to which LETS can and will be protected.

Respectfully submitted,

PRONET, INC.

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